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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,215	03/24/2006	Dieter Doehring	BARDP0126US	4813
23908 7590 09/22/2008 RENNER OTTO BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE NINETEENTH FLOOR CLEVELAND, OH 44115				
EXAMINER O HERN, BRENT T				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
09/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,215

Applicant(s)

DOEHRING, DIETER

Examiner

Brent T. O'Hern

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 4/17/2006, 12/3/2007
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group IV, including amended claims 1-4 and 8-11 directed to the "paper" in the reply filed on 21 July 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicant's statement that non-elected claims 12-14 directed to the laminate are also part of Group IV because they depend on claim 1 is not persuasive since said claims are part of Group V and do not address the basis of the restriction requirement and do not relate to a single general inventive concept as forth in the Office action mailed 6/19/2008.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claim 11 is objected to because of the following informalities: claim 11 depends on cancelled claim 7. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dohring (WO 00/44984) published August 3, 2000 with evidence by Dohring (US

6,835,421) which is interpreted as being the English equivalent of ('984) and claims priority to ('984). The column and line numbers of Dohring ('421) are cited for the teachings of ('984).

Dohring ('984) teaches paper for a laminate panel with a paper provided with a décor and is impregnated with an amino resin for forming a resin matrix and comprises abrasion-resistant particles having a diameter of 50 to 200 μm made of silicon carbide or aluminum oxide that are coated with a silane adhesion promoter and are integrated into the resin matrix (*See col. 1, l. 47 to col. 2, l. 11 and Abstract.*).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-4, 8-9 and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Dohring et al. (US 2003/0138600).

Dohring ('600) teaches paper for a laminate panel with a paper filled with a n acrylate provided with a décor having a weight of 20 to 60 g/m^2 and is impregnated with an amino resin for forming a resin matrix and comprises abrasion-resistant particles having a diameter of 50 to 200 μm made of silicon carbide or aluminum oxide that are coated with a silane adhesion promoter and are integrated into the resin matrix (*See paras. 20-31.*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dohring (WO 00/44984) published August 3, 2000 with evidence by Dohring (US 6,835,421) which is interpreted as being the English equivalent of ('984) and claims priority to ('984) in view of Jaisle et al. (US 4,473,613).

Dohring ('984) teaches the paper discussed above, however, fails to expressly disclose the paper having a weight of 20 to 60 g/m² and being filled with an acrylate.

However, Jaisle ('613) teaches providing an acrylate filled paper having a décor having a weight of 20 to 60 g/m² (*See Abstract, col. 2, ll. 52-68. col. 3, ll. 31-37 and col. 4, ll. 35-40.*) for the purpose of providing a material that easy to form, resistant to discoloration, can be printed and is useful in high or low pressure laminates (*See col. 4, ll. 35-40.*).

Therefore it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to use an acrylate filled paper having the above weight as taught by Jaisle ('613) in Dohring ('984) in order to provide a product that is easy to form, resistant to discoloration, can be printed and is useful in various types of laminates.

Claim Rejections - 35 USC § 102/103

6. Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dohring (WO 00/44984) published August 3, 2000 with evidence by Dohring (US 6,835,421) which is interpreted as being the English equivalent of ('984) and claims priority to ('984).

Dohring ('984) inherently teaches the abrasion resistant particles being in a plane (*See col. 1, l. 47 to col. 2, l. 11 and Abstract where the paper is planar, thus, providing for the particles being embedded within the paper to also be in a planar orientation.*). In the alternative, a person having ordinary skill in the art would obviously appreciate or provide the particles in a plane in order to provide a planar subject useful in a laminate. Thus, a rejection under 35 USC 102/103 is proper (*See MPEP 2112.*).

7. Claim 10 is rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Dohring et al. (US 2003/0138600).

Dohring ('600) inherently teaches the abrasion resistant particles being in a plane (*See paras. 20-31 where the paper is planar, thus, providing for the particles being embedded within the paper to also be in a planar orientation.*). In the alternative, a person having ordinary skill in the art would obviously appreciate or provide the particles in a plane in order to provide a planar subject useful in a laminate. Thus, a rejection under 35 USC 102/103 is proper (*See MPEP 2112.*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brent T O'Hern/
Examiner, Art Unit 1794
September 5, 2008

/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794